

MEMORANDUM ENDORSEMENT

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/22/2021

Crichlow v. Youssef, et al.

12-cv-7774 (NSR)

On May 19, 2021, the Court issued an Order instructing Plaintiff to show cause in writing on or before June 18, 2021 as to why this action should not be dismissed for want of prosecution. (ECF No. 170.) On May 20, 2021, the Clerk of the Court mailed a copy of the Order to Plaintiff at his address on the docket.

On June 22, 2021, following no response from Plaintiff, the Court issued an Order dismissing the action. (ECF No. 171.) On June 23, 2021, the Clerk of the Court mailed a copy of the Order to Plaintiff at his address on the docket.

On July 21, 2021, the Court received a motion for reconsideration from Plaintiff (attached, ECF No. 172) indicating that Plaintiff never received the Court's May 19, 2021 Order to Show Cause and reasserting the merits of Plaintiff's action.

Defendants are directed to respond to Plaintiff's motion on or before August 5, 2021. The Clerk of the Court is kindly directed to mail a copy of this endorsement to *pro se* Plaintiff and show service on the docket.

Dated: July 22, 2021
White Plains, NY

SO ORDERED.



Nelson S. Román, U.S.D.J.

SOUTHERN DISTRICT OF NEW YORK

KEVIN DAMION CRICLOW
PLAINTIFF(S)
ST
DR. ELLEN YOUSSEF
ET. AL.
DEFENDANTS

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/21/2021

DECLARATION
FOR MOTION OF
RECONSIDERATION RULE
60(B) OF THE FED. RULES
OF CIV. PROVIDES
12-CV-7774 (NSR)
RECEIVED
JUL 21 2021
MICHAEL E. FOWAN
U.S. DISTRICT JUDGE

IM KEVIN D. CRICLOW, PURSUANT TO 28 U.S.C.
§ 1746, DECLARES UNDER PENALTY OF PERJURY UNDER
THE LAWS OF THE UNITED STATES OF AMERICA THAT
THE FOREGOING IS TRUE AND CORRECT:

(1) IM PRISONER IN STATE OF NEW YORK AT SOUTHPORT
C.F. AND PLAINTIFFS RESPECTFULLY ASK THE COURT
TO GRANT PLAINTIFFS RECONSIDERATION RULE 60-B
PLAINTIFF WOULD LIKE TO BRING TO COURT
"ATTENTION", THE LETTER FROM COURT DATED MAY. 19. 2021
ISSUED AN ORDER TO SHOW CAUSE IN WRITING
ON OR BEFORE JUNE 18. 2021, EXHIBITS (A)
PLAINTIFF NEVER RECEIVED NO LEGAL MAIL
ON MAY. 19-20, 2021 PLAINTIFFS WAS ASSAULTED
BY DOCS IN PRIOR CASE "CRICLOW V. FISHER
12-CV-7774 (NSR) AMED-COMPL AT 197-199)
AT ON MAY. 19. 2021 C.O. ~~SM~~ MCGILL MADE ME IN MY CELL
ON VIDEO- TAPE : THEN COVER UP, THE NEXT DAY ON
C-BLOCK IN THE ONLY INMATE ON THAT BLOCK I WAS
REASSAULTED BY C.O.S. MENECKE SON JR. MENECKE

NO VIDEO TAPE WORK ON G-BLACK SCHOOL AND BOTH'S
ASSAULTED SHOW PHOTOS OF MY INJURY. ON 6.4.2021
24 MONTHS IN SHU. WITHOUT A HEARING NO PAPER WORK WAS
GIVE TO ME FOR 4 TIME ~~2~~ 3 HEARING. I NEVER
INTERVIEW BY NO ONE SEE AMEND-COMP - AT 188-196

I NEVER RECEIVED NO LEGAL MAIL FROM HONORABLE
NELSON S. ROMAN ALSO I HAD A COURT ORDER IN
V.S. D.C. S.D.N.Y. FROM HON. PHILIP M. HALPERN
IN CRICLOW V. ANNUNCI, NO. 18 CIV. 3222 (PMH)
FOR THE SAME DAY IN DOC 171, I WOULD WRITE
YOU HON. ROMAN; ASK OR REQUESTED A EXTENSION TIME
TO RESPOND BACK TO YOUR MOTION. ALSO PLAINTIFFS
ARGUES THAT BY DEFENDANTS DR. ELLEN YOUSSEF ET AL.
INTENTIONAL DEPRIVATION LEAD TO YEARS PRACTICES THAT ARE
PERSISTENT; WIDESPREAD OF DELIBERATELY INDIFFERENTS OF
CHRONIC PAIN; SUFFERED; IN NEED OF EMERGENCY CARE SERIOUS
INJURED SEVERAL THAT NEED SURGICALLY REPAIR, ITS
TOOK OVER 5 YEAR BEFORE I HAD USED OF HAND SEVERAL
OPERATION WAS WRONG SEE 2ND AMEND-COMPL AT (9-10) (21)
22) 49-50-51) AND WRONG OPERATION AT 124) 149) (152-157) SEE
EXH. B. ITS (B) SHOW AFTER 1.13.2010 OPERATION WAS WRONG PART
OF HAND, "MULTI-DIAGNOSTIC SEERVICES, INC, SHOW DAMAGE
THAT WOULD NOT HAPPEN, IF DEFENDANTS DR. E. YOUSSEF
WOULD HAD OPERATION DONE IN 2008, EXHIBITS (D) SHOW
I WAS IN NEED OF 3 OPERATIONS THEY WAS NOT DONE INTO
2.12.2016; EXHIBITS (C) SHOWS OPERATION BY F.C.M.C.
BY DR. CALLAHAN PARAG AT 31 1/2 " ALLOGRAFT CANCELLOUS BONE
CHIPS WERE PLACE INTO THE DORSAL RIGHT WRIST DEFECT DORSAL
TO THE CAPITATE; IN CONJUNCTION WITH THE COMPLETION OF THE
RADIAL ARTHRODESIS, THE PLAINTIFFS WAS AT DOWN STATES. C.F
IN THE CARE OF DR. ELLEN YOUSSEF FOR 120 DAY 4 MONTHS WITH NO
CARE FOR CHRONIC PAIN; DELIBERATE INDIFFERENCE TO SERIOUS
2) MEDICAL NEED; CONDITIONS, THIS CUSTOM IS PROBATIVE OF A

PAGES (8) MUNICIPAL LIABILITY. EXHIBITS (D) LEFT MY RIGHT THUMB 1/2 PARLYZE; REST OF MY DOMAIN RIGHT HAND PERMANENT CRIPPLE WITH PINCH NERVE DAMAGES TO MY WHOLE RIGHT SIDE; SOME

TIME I CANT MOVE MY HAND ARM OR ELBOW CAUSE OF PAIN AND WEAKENDE; CANT SLEEP AT NIGHT; IMPAIRMENT I CANT TAKE CARE OF MY SELF NOW SHOWER EATING WASHING UP; OTHER MAJOR DAILY ACTIVE, PLAINTIFFS ASK FOR RELIEF IN COURT OF LAW; STILL DENIED THE OPPORTUNITY TO PARTICIPATE IN OR BENEFIT FROM DEFENDANTS SERVICES, PROGRAMS, OR ACTIVITIES, NOW 14 TEEN YEARS LATER STILL DISCRIMINATED AGAINST BY DEFENDANTS BY REASON OF PLAINTIFFS DISABILITIES; BEING A WHISTLE BLOWER AGAINST ALL DOCS STAFFS MISCONDUCT, THEY JUST ASSAULTED ME AT SOUTHPORT C.F. A NONE REASONABLE ACCOMMODATION PRISON TOOK ALL OF MY HEARING AIDS; BRACES HAND, ELBOW, BACK; LOWERBACK BRACES; BOTH KNEES BRACES; CAUSE CAUSE OF EXHIBITS (E); IN THE E-MAIL METAL ROD IS COMING OUT TOP PART OF MY HAND SINCE 2011, THIS IS CORROBORATE BY HONORABLE U.S.D.J. PHILIP M. HALPERN,

I WAS ALSO GIVING 24 MONTHS IN S.H.U. WITHOUT HEARING OR GIVING PAPER WORK CAUSE OF MY LAST CASE FILED; REPORTING STAFFS MISCONDUCT.

PLAINTIFF TOOK 2008-2013. 4.13.2013 BEFORE

I GOT ME NERVA OPERATION SOME 54 MONTHS LATER; AFTER OPERATION I DIDNT GET PAIN MEDS FOR 17 DAYS INTO OUT-SIDE DOCTOR CAME TO LOOK AT METAL STAPLER; STILL GOT MY SAME ROTTEN TOOTH; GUM INFECTION GUM NOW AT TOP PART OF ROOT, REQUEST Fed. Rule, CIVIL PROCEDURE (35) PHYSICAL OR METAL EXAMINATION. AFTER 3 EXHIBITS (E) THEY MOVE ME OUT OF REASONABLE ACCOMMODATION PROGRAMS
THEY KICK MY ASS AFTER MY MEDICAL FOLDER, PLEASE CALL ME TO COURT

I KNOW FOR A FACT THAT IF MY MOTION IS
GRANTED THE HONORABLE ROMAN WILL SEE YEAR OF
ABUSED I REST MY CASE, THANK YOU.

KEVIN CRICKLOW 00A3511/S.H.U.
SOUTHPORT, C.F. B-2-2

P.O. BOX-2000

PINE CITY N.Y. 14871

EXHIBIT A

Application granted. Defendant Fuller's motion to dismiss shall be served and filed in accordance with the following schedule:

- (1) Fuller shall serve and file his moving papers on May 14, 2021;
- (2) Plaintiff shall serve and file his opposition papers on June 18, 2021; and
- (3) Fuller shall serve and file his reply papers, if any, on June 25, 2021.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 150 and to mail a copy of this Order to Plaintiff.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
April 19, 2021



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

DIRECT DIAL: (212) 416-6551

April 16, 2021

v. Annucci, No. 18 Civ. 3222 (PMH)

This Office represents Defendants¹ in the above referenced action. I write, to respectfully request an extension of time for newly-served Defendant Fuller to file his motion to dismiss the Second Amended Complaint from April 30, 2021, to May 14, 2021 (Dkt. No. 148). The grounds for this request is that the undersigned is actively preparing for trial, in the action of Magalios v Peralta, 19-cv-6188 (SDNY), which is to be tried before Judge Cathy Seibel commencing April 26, 2021. The parties anticipate that the trial will take between four and six days.

This is the first request for an extension of time for Defendant Fuller to file his motion to dismiss. There is currently a motion to dismiss pending on behalf of Defendants Annucci, Makowski, McCoy, Sipple, Cole, Keyser, Fitzpatrick, Burnett, Holloran, Puerschner, Karson, Jordan, Gilmore, Kolher, Skjeveland, Layton, Buchanan, Askew, Korobkova, Moshier, Wolf, Proulx, and LaPenna, with reply due May 14, 2021. (Dkt. No. 149). I did not seek Mr. Chrichlow's consent, as his status as an incarcerated plaintiff pro se requires communicating by mail and I wanted to make this request forthwith.

I thank Your Honor for your attention to this matter.

Respectfully submitted,
/s/ Jessica Acosta-Pettyjohn
Jessica Acosta-Pettyjohn
Assistant Attorney General
Jessica.Acosta-Pettyjohn@ag.ny.gov

¹ This Office represents Defendants Anthony J. Annucci, Jeffrey Arliss, Michael Makowski, Timothy McCoy, Gary Sipple, William Cole, William Keyser, Timothy Fitzpatrick, Edward Burnett, William Holloran, Mark Puerschner, Christopher Karson, Wayne Jordan, George Gilmour, Michael Kohler, Richard Skjeveland, Kyle Layton, David Buchanan, Renee Askew, Yelena Korobkova, James Moshier, Janice Wolf, Sandra Proxy, and Lisa LaPenna.

EXHIBIT B

4/23/10 9:22:18
HSC4781

NYS DEPARTMENT OF CORRECTIONAL SERVICES
HEALTH SERVICES SYSTEM
REQUEST AND REPORT OF CONSULTATION

PAGE 1

NAME: CRICHLLOW, KEVIN

DIN: 08A3511 DOB: 11/29/1963

CURRENT FAC: WENDE

REFERRING FAC : DOCS-WENDE

REFERRAL NUMBER: 10127292.05M

REFERRAL DATE : 03/26/10 07:49A TELEMED: N<N>

REFERRAL TYPE : PROCEDURE

TYPE OF SERVICE: OCCUPATIONAL THERAPY

REFERRAL STATUS: SCHEDULED

URGENCY OF CARE: ASSIGNED

INTERPRETER:

MEDICAL HOLD: NO TYPE: REASON CODE:

EXP. DATE:

TRANSPORTATION : N WHEELCHAIR N NURSE N

AMBULANCE N LITTER N HCA

SENSORIAL IMPAIRMENT: HEARING LOSS/HARD OF

REFERRED BY: MED DIR OF CUR FAC

APPOINTMENT: 04/29/10 09:15A

REVIEWED BY: MED DIR OF CUR FAC

POS: WENDE RMU

PROV: KEMPKE, LISA-OTH

REASON FOR CONSULTATION:

(APPROVE 12 SESSIONS PTH PER ACG:A-0528 (AC) - PAIN 8-10/10, MODERATE ROM)
(DEFICITS, MMT 3/5. - R WRIST - 2X'S/WK)
()
()
()

USER: 03/26/10 07:49A CCCPJSJ

ATTENTION: DO NOT INFORM INMATE OF FUTURE APPOINTMENT(S)

CONSULTANT REPORT:

S: "pain is bad"
8/10

O: Edema
Wrist 5 3/4
Wrist 7 7/16
From wrist flex 32
Wrist flex 26

on 4/22
Wrist 5 13/16
Wrist 7 1/2
Wrist 30
Wrist 24

A: Since last ↓ swelling 2 places

7 mm
Pain still bad
Tolerates tx

P: Continue OT 2x/week
Continue Plan of Care

TX Given

- Hot pack wrist 15 min
- Retrograde friction massage
- no ice massage
- String wrap to ↓ swelling
- Mobilize carpal bones
- A firm hand wrist
- PASSIVE wrist flex
- exten 1 min each
- Resist Grip/pinch 2 set 10

CONSULTANT SIGNATURE:

IF FOLLOW-UP/PROCEDURE RECOMMENDED - REQUESTED BY

DATE: 4/29/10

JENNIFER WREST RN, NP
#0296

* CONSULTATION IS A RECOMMENDATION. FINAL DETERMINATION WILL BE MADE BY THE INMATE'S NYSDOCS PHYSICIAN.

Swelling is decreasing - range is increasing but
Tx not helping Pain

Multi-Diagnostic Services, Inc.

139-16 91st Avenue, Jamaica, NY 11435 ~Telephone (718) 454-8556
Fax (718) 454-7950 ~ Email: multidiag1@aol.com

Interpreted for Multi-Diagnostic Services, Inc. by Hudson Valley Imaging

EASTERN
DIN# 08A3511

RE: CRICLOW, Kevin
DOB: 11/29/1963
DATE OF EXAM: 02/03/2011

CRICLOW, KEVIN
ADMIT 4/18/11
DR. ARLISS
DOB 11/29/63
MR # 00-07-04
ENCOUNTER # 727

MRI OF THE RIGHT WRIST:

CLINICAL HISTORY: Pain, tendinitis.

Axial fat-saturated T2, coronal T1 and fat-saturated T2 and sagittal T1 weighted images were obtained. This examination is submitted for interpretation on 02/14/2011. The exam is limited as coronal T1 and axial T1 weighted images were submitted, but have extensive artifact and are non-diagnostic. No old examinations or plain films are available for comparison.

There is no evidence of acute fracture or dislocation. There is no evidence of cortical destruction or periosteal reaction. There is no evidence of abnormal bone marrow signal that would be consistent with bone marrow edema or bony contusion. There is no evidence of avascular necrosis. There is no evidence of intramuscular hemorrhage or tear. There is no evidence of any abnormal intramuscular signal. There is a complete and full thickness tear of the scapholunate ligament with increased distance between both scaphoid and lunate. There is no evidence of any other complete and full thickness tear or rupture of any of the intrinsic ligaments of the wrist. There is no evidence of complete and full thickness tear or rupture of any of the tendons that traverse the wrist. There is no significant tendinopathy, no evidence of partial thickness tear or tendinitis. There is fluid in the extensor tendon sheaths consistent with a tenosynovitis. There is no other significant tenosynovitis identified. The triangular fibrocartilage demonstrates no evidence of abnormal signal, no evidence of tear. There is fluid in the distal radioulnar joint, first carpo-metacarpal joint, and radiocarpal joints. There is no evidence of subcutaneous mass or abnormality. There are mild-to-moderate degenerative osteoarthritic changes identified.

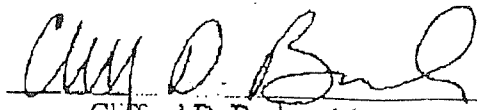
IMPRESSION:

1. Full thickness tear of the scapholunate ligament.
2. Extensor tenosynovitis.
3. Fluid in the radiocarpal, first carpal-metacarpal and distal radioulnar joints.
4. Mild-to-moderate degenerative osteoarthritic changes.
5. Examination limited, as described.

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Fax (718) 454-7950 ~ Email: multidiag1@aol.com

Interpreted for Multi-Diagnostic Services, Inc. by Hudson Valley Imaging



Clifford D. Barker, M.D.

E-Sig By C. Barker, MD on 02/15/2011 09:09:31

CRICHLow, KEVIN
ADMIT 4/18/11
DR. ARLISS
DOB 11/29/63
MR # 00-07-04
ENCOUNTER # 727



DEPARTMENT OF CORRECTIONAL SERVICES

ENXCF

FACILITY

X-RAY REQUISITION AND REPORT

NAME Crichlow, Kevin DIN 08A3511
 DATE ORDERED 9/6/11 HOUSING UNIT SH4 WORK LOC. _____
 DATE DONE 9/9/11 DATE OF BIRTH OR AGE 11/29/63
 TECHNICIAN PCN 20 URGENT _____ ROUTINE X
 PRECAUTIONS/ALLERGIES/RISKS _____
 EXAMINATION Right ~~Left~~ wrist s/p (R) wrist surgery.
 CLINICAL DIAGNOSIS/HISTORY post surgery removal pin
 ORDERED BY DR. Dr Andola / ET

Exam right wrist AP & LAT views compared to study 7-18-11. Again identified is partial surgical removal of scaphoid bone with exception of distal pole. Fusion of capitate & lunate carpal bones. 1cm metallic pin has been removed from lunate since 7-18-01. Again identified is shortened ulna by 0.6cm. Alignment of carpus is anatomical. No recent fracture.

IMP: S/P PARTIAL SCAPHOIDECTOMY.

CARPAL FUSION (COALITION) ? POST SURGICAL BETWEEN CAPITATE & LUNATE BONES. NEGATIVE (MINUS) ULNAR VARIANCE By 0.6CM.

METALLIC HARDWARE REMOVED WHEN COMPARED TO STUDY 7-18-11.

OSTEOPENIA (? DISUSE).

NO ACUTE BONE INJURY IDENTIFIED RIGHT WRIST STUDY.

Fr hand surgeon
 9/27/11

[Signature]
 R. Mueller, MD
 RADIOLOGIST

9-13-11
 DATE

DISTRIBUTION: Original -Health Record Copy -Radiologist Copy -X-Ray Folder

SOUTHPORT CORRECTIONAL FACILITY

P.O. BOX 2000

PINE CITY, NEW YORK 14871-2000

NAME: KEVIN ORCHON DIN: 08A3511

SOUTHPORT

NEOPOST

FIRST-CLASS MAIL

07/12/2021



91

Correctional Facility



ZIP 14871
041M112742

USMP3
SDNY

HONORABLE # NELSON S. ROMAN

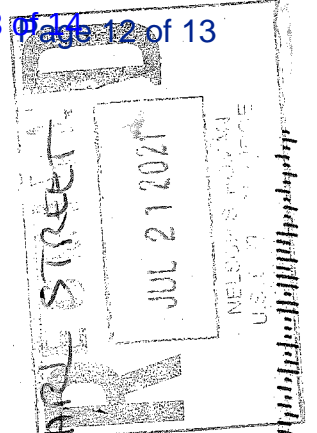
U.S.D.C. / S.D.-N.Y.

U.S. COURTHOUSE 500-PEARL STREET

NEW YORK, N.Y. 10007

LEGAL
MAIL

20F2



1000789105 0020



NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
OFFENDER CORRESPONDENCE PROGRAM

NAME: KEVIN CRICHTON DIN: 08A3511

JUL 21 2021

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